

JOURNAL OF THE HOUSE.

Monday, June 7, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Hynes of Marshfield in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Eternal God, we believe that we have been created by You with the ability to reason and make personal choices. Inspire us to use these gifts in a mature manner. In addition, Your gift of wisdom enables us to resolve intellectual issues beyond our ordinary human capacity.

Today, the people and the nation are mourning the death of former President Ronald Reagan, after a long difficult illness. We are grateful for his years of public service and his concern for the well-being of the people and the country. As citizens, we remember him in our thoughts and in our prayers for his recognition of the dignity of all people. May he enjoy eternal peace and happiness.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of  
allegiance.

At the request of the Chair (Mr. Hynes), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Silent Prayer.

Silent  
Prayer.

At the request of Mr. Jones of North Reading, the members, guests and employees stood in a moment of silent prayer to the memory of former President Ronald Wilson Reagan, the fortieth President of the United States of America.

Message from the Governor — Bill Returned with  
Recommendation of Amendment.

Veterans,  
discrimination.

A message from His Excellency the Governor returning with recommendation of amendment the engrossed Bill prohibiting discrimination against veterans in employment [see House, No. 1053] (for message, see House, No. 4802) was filed in the office of the Clerk on Friday, June 4.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the bill was thereupon "before the General Court and subject to amendment and re-enactment".

Pending the question on adoption of the amendment recommended by His Excellency, the bill was referred, on motion of Mrs. Poirier of North Attleborough, to the committee on Bills in the Third Reading.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. LeDuc of Marlborough) congratulating Ellen Power on the occasion of her retirement;

Ellen  
Power.

Resolutions (filed by Messrs. O'Brien of Kingston and Webster of Hanson) congratulating Marianne I. Hanigan on the occasion of her one hundredth birthday;

Marianne I.  
Hanigan.

Resolutions (filed by Mr. Rogers of Norwood) congratulating Harland L. Cook on the occasion of his retirement;

Harland L.  
Cook.

Resolutions (filed by Mr. Rogers of Norwood) congratulating Joseph W. Mele on the occasion of his retirement;

Joseph W.  
Mele.

Resolutions (filed by Mr. Rogers of Norwood) congratulating Marlene Shields on the occasion of her retirement;

Marlene  
Shields.

Resolutions (filed by Mr. Stanley of Waltham) congratulating Amorette F. Berry on the occasion of her ninetieth birthday;

Amorette F.  
Berry.

Resolutions (filed by Mr. Swan of Springfield) congratulating Ruth B. Loving on the occasion of her ninetieth birthday;

Ruth B.  
Loving.

Resolutions (filed by Mr. Vallee of Franklin) congratulating the Assabet Valley girls under 12 red ice hockey team on their 2004 national championship;

Assabet Valley  
hockey team.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Michael Konosky on the occasion of his retirement; and

Michael  
Konosky.

Resolutions (filed by Mr. Vallee of Franklin) congratulating Nancy Tyler Schoen on being named the Massachusetts Teacher of the Year;

Nancy  
Tyler  
Schoen.

Mr. DiMasi of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Donato of Medford, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

The following order (filed by Mr. Bosley of North Adams) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Government Regulations shall be granted until Wednesday, July 28, 2004, within which to report on current House document numbered 25.

Government  
Regulations  
committee,  
extension  
of time for  
reporting.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mrs. Paulsen of Belmont, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petition.

Mr. Casey of Winchester presented a petition (accompanied by bill, House, No. 4803) of Paul C. Casey, Richard R. Tisei and Carol A. Donovan (by vote of the town) for legislation to exempt the

Stoneham,  
town hall  
custodian.

position of town hall custodian of the town of Stoneham from the civil service law; and the same was referred to the committee on Public Service. Sent to the Senate for concurrence.

*Papers from the Senate.*

**Bills**

Vocational  
education  
teachers.

Relative to creditable service for vocational education teachers (Senate, No. 1559, amended in line 4 by striking out the words "employed by the City of Boston who is employed" and inserting in place thereof the words "who is a member of the State-Boston retirement system who is employed as a teacher", in line 18 by inserting after the word "purchased" the words "plus regular interest thereon" and in line 27 by inserting after the word "ninety" (as printed) the word "days" (on a petition);

Worcester,  
lockup  
facility.

Establishing a regional lockup facility in Worcester county (Senate, No. 2351) (on Senate, No. 138);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

**Bills**

Cemeteries,  
ownership  
records.

Relative to the public disclosure of ownership of a cemetery corporation (Senate, No. 478, amended by inserting before section 1 the following section:—

"SECTION 1. Section 1A of chapter 114 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by adding the following paragraph:—

Nothing in this section shall affect or modify the liability of any person subject to this section for financial misconduct or fraud in the use of the assets of the corporation."; and by adding the following section:

"SECTION 3. Said chapter 114 is hereby amended by inserting after section 5B, as so appearing, the following section:—

Section 5C. The corporation and its officers shall owe a fiduciary duty to a contributor to the trust fund, his heirs and legal representatives to hold and expend the funds strictly consistence with the purposes of section 5. A contributor to the trust fund, his heirs and legal representatives who were required to invest in the trust fund as a condition of purchasing a right of burial shall have all the rights and protections of chapter 110A." (on a petition);

Establishing the Ipswich affordable housing trust fund (Senate, No. 1987, amended by striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2372) (on a petition) [Local Approval Received];

Ipswich,  
housing  
trust fund.

Relative to filling vacancies in the city council of the city of Quincy (Senate, No. 2260) (on a petition) [Local Approval Received];

Quincy,  
city council.

Designating a certain bridge in the town of Barre as Private First Class Edward J. Cormier Memorial Bridge (Senate, No. 2280, changed changed in line 5, by striking out the words "Marine Corps" and inserting in place thereof the following: "Army, 11th Armored Cavalry") (on a petition);

Edward J.  
Cormier  
Bridge.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Reports of Committees.*

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Criminal Justice to make an investigation and study of certain House documents concerning misdemeanor and felony penalties (House, No. 4645), reported, in part, asking to be discharged from further consideration

Criminal  
penalties.

Of the petition (accompanied by bill, House, No. 2749) of A. Stephen Tobin and Colleen M. Garry relative to establishing new sentencing guidelines;

Sentencing  
guidelines.

Of the petition (accompanied by bill, House, No. 2750) of A. Stephen Tobin, Michael E. Festa, David Paul Linsky and Colleen M. Garry relative to establishing new sentencing guidelines;

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Of the petition (accompanied by bill, House, No. 3123) of Marie P. St. Fleur, Elizabeth A. Malia, Shirley Owens-Hicks, Michael E. Festa and Gloria L. Fox for legislation to provide post-release supervision for certain incarcerated persons serving determinate sentences;

Post release  
supervision.

Of the petition (accompanied by bill, House, No. 3302) of David Paul Linsky, Michael E. Festa, Douglas W. Petersen, Ellen Story, Peter V. Kocot and J. James Marzilli, Jr., for legislation to establish sentencing guidelines; and

Sentencing  
guidelines.

Of the petition (accompanied by bill, House, No. 3570) of Barry R. Finegold and Charles A. Murphy for legislation to impose a period of post incarceration supervision;

Post  
incarceration  
supervision.

And recommending that the same severally be recommitted to the committee on Criminal Justice.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Rogers of Norwood, for the committee on Ways and Means, that the Bill further regulating public construction in the Commonwealth (Senate, No. 2358, amended) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Public  
construction.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the Rule 7A, on motion of Mr. Rushing of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Hall of Westford, for the committee on State Administration, on Senate, Nos. 1625, 1627, 1628, 1640, 1653, 1658, 1659, 1682, 1690, 1697, 1705 and 1706 and House, Nos. 49, 51, 52, 55, 259, 260, 261, 262, 617, 622, 1203, 1204, 1205, 1376, 1378, 1381, 1382, 1385, 1387, 1587, 1590, 1766, 1941, 1942, 2155, 2363, 2366, 2368, 2529, 2697, 2698, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2890, 3077, 3437, 3447, 4168, 4212, 4384 and 4551, an Order relative to authorizing the committee on State Administration to make an investigation and study of certain Senate and House documents concerning construction laws (House, No. 4801). Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Construction  
laws.

Subsequently Mr. Scaccia of Boston, for said committees, reported, asking to be discharged from further consideration of the order; and recommending that the same be referred to the House committee on Rules. Under Rule 42, the report was considered forthwith; and it was accepted.

Mentally  
ill,  
civil  
commitment.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to the civil commitment process for persons with mental illness (House, No. 3170) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Special  
permits.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill allowing special permits granting authorities to receive mitigation funds (House, No. 4042).

County  
government,  
structure.  
County  
governments,  
powers.

By the same member, for the same committee, on a petition, a Bill concerning the structure of county government (House, No. 4047).

By the same member, for the same committee, on a petition, a Bill relative to powers of county governments and councils of government (House, No. 4048).

County  
advisory  
boards.

By the same member, for the same committee, on a petition, a Bill providing for county advisory boards on economic development, regional planning and intergovernmental relations (House, No. 4050).

Counties,  
economic  
advisory  
boards.  
Zoning  
protection.

By the same member, for the same committee, on a petition, a Bill providing for an advisory board on economic development for each county accepting this section (House, No. 4052).

By the same member, for the same committee, on a petition, a Bill relative to zoning protection of lawful, nonconforming single-family and two-family residences (House, No. 4059).

Municipal  
expenditures.

By the same member, for the same committee, on a petition, a Bill relative to the expenditures of certain municipal and district monies (House, No. 4064).

Millbury,  
sewer fees.

By the same member, for the same committee, on a petition, a Bill relative to sewerage facilities and fees in the town of Millbury (House, No. 4181) [Local Approval Received].

Martha's  
Vineyard,  
property  
lease.

By the same member, for the same committee, on a petition, a Bill authorizing the Martha's Vineyard Regional High School District school committee to lease certain property (House, No. 4190).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

#### Senate bills

Animal cruelty  
penalties.

Relative to the penalties for killing, maiming or poisoning an animal (Senate, No. 198);

Waltham,  
retirees.

Relative to retirees' group health insurance premium contributions in the city of Waltham (Senate, No. 2001) [Local Approval Received]; and

Consumer  
transactions.

Relative to certain consumer transactions and the satisfaction of security interests (Senate, No. 2238); and

The House Bill regarding the authorization for possession by law enforcement agencies and sale to law enforcement agencies of electronic weapons (House, No. 3400);

Law  
enforcement  
agencies.

Severally placed in the Orders of the Day for the next sitting for a second reading.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill relative to the school department in the town of Fairhaven expending revenue derived from advertising in schools without further appropriation by the town (House, No. 4401, changed in section 1, in line 4, by inserting after the word "Town" the words "said revenue to be placed in a special account designated as income from advertising") [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Fairhaven,  
school  
department  
advertising.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from His Excellency the Governor, a Bill to restore financial stability in the city of Springfield (printed in House, No. 4799). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Springfield,  
financial  
stability.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

#### *Engrossed Bills.*

##### Engrossed bills

Requiring late counting of certain overseas absentee ballots in city elections (see Senate, No. 2164); and

Bills  
enacted.

Authorizing the city of Revere to reduce water and sewer fee liability in exchange for volunteer services by persons over age 60 (see Senate, No. 2223);

(Which severally originated in the Senate);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

#### *Orders of the Day.*

##### House bills

Relative to the discontinuance of a portion of Dock Lane in the city of Beverly (House, No. 4189) (its title having been changed by the committee on Bills in the Third Reading);

Third  
reading  
bills.

Relative to the appointment of retired police officers in the city of Fitchburg (House, No. 4617); and

Providing for filling vacancies in the office of mayor, city councillor-at-large, ward councillor and school committee member of the city of Revere (House, No. 4681);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

*Order.*

On motion of Mr. Finneran of Boston,—

*Ordered*, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next  
sitting.

Ms. Rogeness of Longmeadow then moved that as a mark of respect to the memory of former President Ronald Wilson Reagan, the fortieth President of the United States of America, the House adjourn; and the motion prevailed.

Accordingly, at twenty-five minutes after eleven o'clock A.M., on motion of Mr. Donato of Medford (Mr. Hynes of Marshfield being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M.